

109TH CONGRESS
1ST SESSION

H. R. 1006

To amend title 39, United States Code, to provide that the procedures relating to the closing or consolidation of a post office be extended to the relocation or construction of a post office, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 1, 2005

Mr. BLUMENAUER (for himself, Mr. MANZULLO, Mr. HOLDEN, Mr. MURTHA, Ms. WOOLSEY, Mrs. MCCARTHY, Mr. MORAN of Virginia, Mr. FRANK of Massachusetts, Mr. SERRANO, Mr. MARKEY, Mr. BERMAN, Mr. OWENS, Mrs. KELLY, Ms. CARSON, Mr. GEORGE MILLER of California, Mrs. LOWEY, Mr. MICHAUD, Mr. EVANS, Mr. CARDOZA, Mr. BAIRD, Mr. GOODE, Mr. RANGEL, Ms. ESHOO, Mr. ENGLISH of Pennsylvania, Mr. ALLEN, Mr. SCHIFF, Mr. KUCINICH, Ms. BALDWIN, Mr. McNULTY, Mr. UDALL of New Mexico, Ms. WATSON, Mr. FARR, Mr. CONYERS, Mr. SPRATT, Mr. CUMMINGS, and Mr. SHIMKUS) introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To amend title 39, United States Code, to provide that the procedures relating to the closing or consolidation of a post office be extended to the relocation or construction of a post office, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Post Office Community
3 Partnership Act of 2005”.

4 **SEC. 2. PROCEDURES RELATING TO THE PROPOSED CLOS-**
5 **ING, CONSOLIDATION, RELOCATION, OR CON-**
6 **STRUCTION OF A POST OFFICE.**

7 (a) **APPLICABILITY.**—Section 404(b) of title 39,
8 United States Code, is amended by redesignating para-
9 graphs (2) through (5) as paragraphs (3) through (6), re-
10 spectively, by striking “(b)(1)” and inserting “(2)”, and
11 by inserting before paragraph (2) (as so redesignated) the
12 following:

13 “(b)(1) This subsection shall apply in the case of any
14 proposed closing, consolidation, relocation, or construction
15 of a post office.”.

16 (b) **ADVANCE NOTICE.**—Paragraph (2) of such sec-
17 tion 404(b) (as so redesignated) is amended to read as
18 follows:

19 “(2)(A) The Postal Service, before making a deter-
20 mination under subsection (a)(3) as to the necessity for
21 a proposed action described in paragraph (1), shall, in
22 order to ensure that local government officials and the
23 persons who are (or would be) served by the post office
24 involved will have an opportunity to present their views,
25 provide adequate notice of its intention to take such action
26 with respect to such post office at least 60 days before—

1 “(i) in the case of the proposed construction of
2 a post office, the date of the determination under
3 subsection (a)(3); or

4 “(ii) in the case of an action other than the
5 proposed construction of a post office, the proposed
6 date of such action.

7 “(B) The requirements of this paragraph shall not
8 be considered met unless the notice—

9 “(i) has, by the deadline specified in subpara-
10 graph (A)—

11 “(I) been hand delivered or delivered by
12 mail to local government officials and the other
13 persons required under subparagraph (A); and

14 “(II) been published once a week for at
15 least 4 weeks in 1 or more newspapers regularly
16 issued and of general circulation within the ZIP
17 code areas which are (or would be) served by
18 the post office involved; and

19 “(ii) includes a description of the action pro-
20 posed to be taken with respect to the post office in-
21 volved, a summary of the reasons for the proposed
22 action, and the date on which such action is pro-
23 posed to be taken (or, if the construction of a post
24 office is involved, the proposed timetable therefor).”.

1 (c) CONSIDERATIONS.—Paragraph (3) of such sec-
2 tion 404(b) (as so redesignated) is amended—

3 (1) in the matter before subparagraph (A), by
4 striking “to close or consolidate” and inserting “to
5 take a proposed action with respect to”;

6 (2) by striking “such closing or consolidation”
7 each place it appears and inserting “such action”;

8 (3) in subparagraph (A)(i), by striking the
9 semicolon and inserting “, taking into account (I)
10 the extent to which the post office is part of a core
11 downtown business area (if at all), and (II) the na-
12 ture and the extent of any opposition within the
13 community to the proposed action;”;

14 (4) in subparagraph (A)(ii), by striking “Postal
15 Service employed at such office;” and inserting
16 “Postal Service;”;

17 (5) in subparagraph (A)(iv), by inserting
18 “quantified long-term” before “economic”; and

19 (6) in subparagraph (A), by striking “and” at
20 the end of clause (iv), by redesignating clause (v) as
21 clause (viii), and by inserting after clause (iv) the
22 following:

23 “(v) any views or concerns expressed by
24 any officials or other representatives of local
25 government, including whether the proposed ac-

1 tion is reasonable in light of local population
2 projections;

3 “(vi) consistency with the size, scale, de-
4 sign, and general character of the surrounding
5 community;

6 “(vii) whether all reasonable alternatives to
7 such action have been explored; and”.

8 (d) NOTICE OF DETERMINATION.—Paragraph (4) of
9 such section 404(b) (as so redesignated) is amended—

10 (1) by striking “to close or consolidate” and in-
11 serting “to take a proposed action (described in
12 paragraph (1)) with respect to”;

13 (2) by striking “paragraph (2)” and inserting
14 “paragraph (3)”; and

15 (3) by striking “office.” and inserting “office
16 (including by posting a copy of such determination
17 in the post office or each post office serving the per-
18 sons who will be affected by such action) and shall
19 be transmitted to appropriate local officials.”.

20 (e) ADDITIONAL REQUIREMENTS.—Such section
21 404(b) is amended by adding at the end the following:

22 “(7) In any case in which a community has promul-
23 gated any procedures to address the relocation, closing,
24 consolidation, or construction of buildings in the commu-
25 nity, and the public participation requirements of those

1 procedures are more stringent than those provided in this
2 subsection, the Postal Service shall apply those procedures
3 to the relocation, closing, consolidation, or construction of
4 a post office in that community in lieu of applying the
5 procedures established in this subsection.

6 “(8) In making a determination to relocate, close,
7 consolidate, or construct any post office, the Postal Serv-
8 ice shall comply with any applicable zoning, planning, or
9 land use laws (including design guidelines, building codes,
10 and all other provisions of law) to the same extent and
11 in the same manner as if the Postal Service were not an
12 establishment of the Government of the United States.

13 “(9) Nothing in this subsection shall be construed to
14 apply to a temporary customer service facility to be used
15 by the Postal Service for a period of less than 60 days.

16 “(10)(A) For purposes of this paragraph the term
17 ‘emergency’ means any occurrence that forces an imme-
18 diate relocation from an existing facility, including natural
19 disasters, fire, health and safety factors, and lease termi-
20 nations.

21 “(B) If the Postmaster General determines that there
22 exists an emergency affecting a particular post office, the
23 Postmaster General may suspend the application of this
24 subsection, with respect to such post office, for a period
25 not to exceed 180 days.

1 “(C) The Postmaster General may exercise the sus-
2 pension authority under this paragraph with respect to a
3 post office once for each discrete emergency affecting such
4 post office.

5 “(11) The relocation, closing, consolidation, or con-
6 struction of any post office shall be conducted in accord-
7 ance with applicable provisions of the National Historic
8 Preservation Act.”.

9 (f) TECHNICAL AND CONFORMING AMENDMENTS.—
10 Such section 404(b) is amended—

11 (1) in paragraph (5) (as so redesignated) by
12 striking “take no action to close or consolidate” and
13 inserting “take no action described in paragraph (1)
14 with respect to”; and

15 (2) in paragraph (6) (as so redesignated)—

16 (A) by striking “to close or consolidate”
17 and inserting “to take any action described in
18 paragraph (1) with respect to”; and

19 (B) by striking “paragraph (3)” and in-
20 serting “paragraph (4)”.

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